

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN THE MATTER OF THE COMPLAINT	*	
OF ETERNITY SHIPPING, LTD. AND		
EUROCARRIERS, S.A., FOR EXONERATION	*	CIVIL ACTION
FROM OR LIMITATION OF LIABILITY		NO. L01CV0250
	*	
* * * * * *		
	*	
TATE & LYLE NORTH AMERICAN		
SUGARS, INC.,	*	
Claimant and Third-Party Plaintiff	*	
v.	*	
AMERICAN BUREAU OF SHIPPING	*	
Third-Party Defendant	*	
* * * * * *	*	

AFFIRMATION OF JOSEPH C.A. FORTIN

I, Joseph C.A. Fortin, hereby affirm as follows:

1. I am an Assistant Chief Surveyor of Third-Party Defendant American Bureau of Shipping (“ABS”). I make this affirmation in support of ABS’ motion for summary judgment against Third-Party Plaintiffs Tate & Lyle North American Sugars, Inc. and Josephina Gonzales based upon my personal knowledge and familiarity with the practice and procedure of ABS.

2. ABS is a not-for-profit corporation established by a special act of the New York Legislature in 1862. ABS is one of a number of classification societies that are full members of the International Association of Classification Societies.

3. Classification societies are organizations that establish and apply technical standards in relation to the design, construction and survey of marine related facilities including ships and offshore structures in order to verify compliance with standards published by the classification societies.

4. ABS establishes technical standards through the issuance of various “Rules”, “Guides” and other publications. ABS applies these technical standards or “Rules” through technical reviews of drawings, plans and specifications and through periodic surveys of the vessel during the course of construction and while the vessel is in service.

5. In addition to traditional classification activity described above, classifications societies, including ABS, as well as other qualified organizations provide certification services with respect to, among other things, marine related equipment such as cargo gear. Cargo gear is the general rubric used to describe shipboard cranes, wire ropes, shackles, blocks, swivels and other related loose gear.

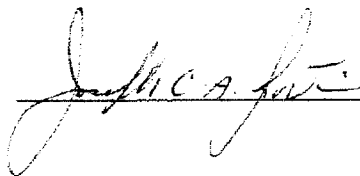
6. In July 1999, the ABS publication applicable to the survey and certification of shipboard cranes was the 1991 Guide for Certification of Cranes (hereinafter the “1991 Guide”). In addition to the 1991 Guide, ABS surveyors are provided with internal ABS documentation to assist and guide surveyors in the performance of cargo gear surveys.

7. It is the obligation of the owner/operator of the vessel to supply and maintain the wire ropes associated with the ship’s cranes and to maintain wire rope certificates pertaining thereto.

8. In connection with a cargo gear survey, while the ABS surveyor will check the jib angle indicator to determine whether the limit switches are functioning properly, ABS does not evaluate the accessibility of the jib angle indicator to the boom operator as this is a design/operational issue for the shipowner.

9. A true and accurate copy of the ABS invoice for the services performed by ABS in connection with the cargo gear surveys onboard the M/V Leon I at the Da Dong Shipyard is attached hereto as Exhibit 1.

I hereby affirm under the penalty of perjury that the foregoing is true and correct.
Executed on October 6, 2004.



A handwritten signature, appearing to read "Joseph A. Fari", is written over a horizontal line.